

**MINUTES OF WEST HARTFORD PUBLIC HEARING
MARCH 27, 2012 LEGISLATIVE CHAMBER 7:10 PM**

**ORDINANCE ESTABLISHING A PROCEDURE FOR THE DESIGNATION OF
ZONING ALTERNATES TO BE SEATED WHEN TOWN COUNCIL MEMBERS
ARE UNAVAILABLE**

SUBSTITUTE PRESENTED

President Scott Slifka called the Public Hearing to order at 7:21 p.m.

President Slifka: We are going to call to order the 7:10 Public Hearing, this is on an ordinance establishing a procedure for the designation of zoning alternates to be seated when Town Council members are unavailable. Can we have a roll call please Ms. Labrot?

Present were Councilors: Steve Adler, Shari Cantor, Judy Casperson, Harry Captain, Leon Davidoff, Burke Doar, Denise Hall, Clare Kindall, and Scott Slifka.

President Slifka: Thank you. Mr. Alair, are you making the presentation from the administration? Go ahead Pat.

Mr. Alair: Good evening. I'll be very brief. First of all before we get started, there should be in front of you all a Substitute for this ordinance which conveniently says the word "Substitute" at the very top, so that's how you spot the right one. Let me tell you what the ordinance does, and then I'll explain the difference between the original and the Substitute. For many years we have had an ordinance in town which establishes a panel of alternates that we can call on if one of the nine of you is absent and can't attend a zoning hearing. That ordinance established the panel, but did not establish a mechanism for how alternates are to be selected from the panel. A practice has been in existence probably for decades about how that's done. Essentially we pick up the phone and call people until we get somebody who can serve, we being the Town Clerk's office. What this ordinance does is implement a more formal procedure. It recognizes that there are two parties on the Council; that parties may or should be represented by alternates from within their own party if at all possible, so it creates two lists. The two lists are alternates from each party and when a person from one party is to be unavailable for whatever reason, the Town Clerk will go through the list of alternates from that party until they find somebody and if they can't find anybody, they will go to the list on the other side. What the substitute does, is change the way I initially drafted it to deal with Unaffiliated alternates. Assuming that it was possible that somebody might be appointed who is unaffiliated I had initially written that they would be placed on both lists. After further discussion, it was modified so that they will be placed on the list of the party which nominated them for appointment to the panel of alternates. The ordinance also increases the number of Alternates from the existing procedure which is three alternates and two substitute alternates to a panel of nine alternates. The reason for that was a change in the legislation that authorizes us to have this panel. For many years you were capped at a maximum of three. You could only have three alternates. Why, no one knows, but that was changed, that cap was released and since we've actually had experiences where more than three members of the Council recused themselves from

hearing something for some reason, we wanted to have at least the potential of having an alternate for every one of you should that come to pass. That's what the ordinance does.

President Slifka: Thank you very much Mr. Alair. Are there any comments, questions from the Council? Mr. Adler?

Councilor Adler: Thank you Mr. Mayor. To Corporate Counsel – and thank you for drafting this, I appreciate that. Question to ask you – if we have an alternate and I'm just kind of going through the scenarios here – if we have an alternate who is sitting on a hearing, public hearing, and it's going to be a re-occurring hearing, and that alternate is not available, if you can walk us through that process.

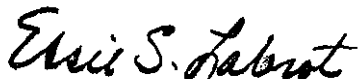
Mr. Alair: That actually happens to Councilors as well. The same rule applies to alternates as to Councilors. Our charter requires a person to be in "active attendance" at a zoning hearing in order to vote. What that means and how we have interpreted it, is if you are present through part of the hearings, have the opportunity to ask questions, and make yourself familiar with the transcript for the parts you missed, then you are eligible to sit and vote. So, if a member hypothetically you had a three night hearing, night one all nine of you were present, night two one of you fell ill, couldn't attend, an alternate was appointed, that alternate could participate and vote by reading the transcript of the first night and participate actively the following nights.

President Slifka: Thank you. Any further questions from the Council? OK – check the sign up sheet please Mr. Alair?

Mr. Alair: The sign up sheet is blank.

President Slifka: The sign up sheet is blank. Is there anybody who did not sign up who wishes to speak to the subject matter of this public hearing? If not, and there's nothing further from my colleagues, then I will close the Public Hearing.

Public Hearing closed at 7:26 p.m.



Essie S. Labrot
Town/Council Clerk

APPROVED AT APRIL 9, 2012 TOWN COUNCIL MEETING

